

## April 19, 2005: NORTON, HARKIN, CLINTON, DELAURO INTRODUCE FAIR PAY LEGISLATION ON EQUAL PAY DAY

FOR IMMEDIATE RELEASE

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Washington, DC--On Equal Pay Day, Congresswoman Eleanor Holmes Norton (D-DC) today joined Senators Tom Harkin (D-IA) and Hillary Clinton (D-NY), and Congresswomen Rosa DeLauro (D-CT) in introducing the Paycheck Fairness Act at a Senate news conference. Norton and Harkin also introduced the Fair Pay Act, of which she is the author. As Chair of the Equal Employment Opportunity Commission (EEOC) in the Carter Administration, Norton enforced the Equal Pay Act. She made the following statement at the news conference and rally with women's rights advocates today.

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Today I am pleased to join my House colleague Rosa DeLauro and Senator Hillary Clinton as original cosponsors of the Paycheck Fairness Act and Senator Tom Harkin on the Fair Pay Act. The Equal Pay Act has been a highly successful civil rights statute, but it is creaky with age and to be useful, it must be amended to meet the changed economy in which it must now do its work. The Fair Pay Act also amends the EPA but it picks up where the EPA leaves off.

Huge changes in the economy and the workplace have occurred since the EPA was passed, and most important is the emergence of a highly educated workforce of women with even 75% of women with small children working for pay. However, women are vastly underused because of employer steering and because of deeply rooted wage stereotypes that result in pay according to gender and not according to the skills, efforts, responsibilities and working conditions necessary to do the job. We introduce the Fair Pay Act because the pay problems of most women today stem mainly from this sex segregation in the jobs that women and men do. Two-thirds of white women, and three quarters of African American women work in just three areas: sales and clerical, service and factory jobs. Only a combination of more aggressive strategies can break through the ancient societal habits present throughout human time the world over as well as the employer steering of women into women's jobs that is as old as paid employment itself.

The FPA recognizes that if men and women are doing comparable work, they should be paid a comparable wage. If a woman is an emergency services operator, a female-dominated profession, for example, she should be paid no less than a fire dispatcher, a male-dominated profession, simply because each of these jobs has been dominated by one sex. If a woman is a social worker, a traditionally female occupation, she should earn no less than a probation officer, a traditionally male job, simply because of the gender associated with each of these jobs.

The FPA, like the EPA, will not tamper with the market system. As with the EPA, the burden will be on the plaintiff to prove discrimination. She must show that the reason for the disparity is sex or race discrimination, not legitimate market factors. Corrections to achieve comparable pay for men and women are not radical or unprecedented. State employees in almost half the state governments, in red and blue states, have already demonstrated that you can eliminate the part of the pay gap that is due to discrimination. Twenty states have adjusted wages for women, state employees, raising pay for teachers, nurses, clerical workers, librarians, and other female dominated-jobs that paid less than men with comparable jobs. Minnesota, for example, implemented a pay equity plan when they found that similarly skilled female jobs paid 20% less than male jobs. There often will be some portion of the gap that is traceable to market conditions, but twenty states have shown that you can tackle the discrimination gap without interfering with the free market system. The states generally have closed the discrimination gap over a period of four or five years at a one-time cost no more than 3 to 4 % of payroll.

In addition, routinely, many women workers achieve pay equity through collective bargaining. And countless employers on their own see women shifting out of vital female dominated occupations, and the resulting effects of the shortage of workers, see the unfairness to women, and are raising women's wages with pay equity adjustments. Unequal pay has been built into the way women have been treated since Adam and Eve. To dislodge such deep seated and pervasive treatment, we must go to the source, the female occupations where pay now identifies with gender and always has.

The Paycheck Fairness Act is important simply to meet our obligation to keep existing legislation current. It simply updates the 42-year old Equal Pay Act. Recently, I thought we were seeing progress when the census reported that black college educated women actually earned more than white college-educated women, although the overall the wage gap for black women, at 65%, remains considerably larger than the gap for white women.

No explanation was offered for the progress for black women but other data and information suggest that even when women seem to catch up it may not be what we had in mind. I suspect that African American women are represented disproportionately among the 50% of all multiple job holders who are women. I am certain that this progress for African

American women also tells a tragic story. The decline in marriageable black men, eaten alive by ghetto life, also means that many college educated black women are likely to be single with no need for even the short time-out for children white women often take that affects their wages.

The best case for a strong and updated EPA occurred here in the Congress in 2003, when the women custodians in the House and Senate won an EPA case after showing that women workers were paid a dollar less for doing the same and similar work as men. Had they not been represented by their union they would have had no an almost impossible task using the rules for bringing and sustaining an EPA class action. The FPA simply modernizes the EPA the first of the great civil rights statutes of the 1960s to bring it in line with later passed civil rights statutes. Because I enforced the EPA as chair of the Equal Employment Opportunity Commission, I know all too well the several ways that this historic legislation needs a 21st century make-over.

We file these two bills today to say start with the Fair Pay Act or start with the Paycheck Fairness Act. Start where you like, but Congress should be ashamed to let another year go by while working families lose more than \$200 billion annually—more than \$4,000 per family—because even considering education, age, hours works and location, women are paid less than they are worth. Let's start this year to make pay worthy of the American women we have asked to go to work.